

PRELIMINARY DRAFT OF
PROPOSED AMENDMENTS TO LOCAL BANKRUPTCY RULES
U.S. BANKRUPTCY COURT, DISTRICT OF ALASKA.

Comments are sought on proposed amendments to Local Bankruptcy Rules
2015-2; 2083-1; 3002-1; 4008-1; 5005-2; 9070-1; and LBF 37

All Comments received become part of the permanent files on the rules.

Written comments on the preliminary draft are due not later than January 9, 2004

Address all communications on rules to:

United States District Court, District of Alaska
Attention: Court Rules Attorney
222 West Seventh Avenue, Stop 4
Anchorage, Alaska 99513-7564

or

e-mail to AKD-Rules@akd.uscourts.gov

Rule 2015-2 Monthly Financial Reporting Requirements

(a) Cooperation with United States Trustee

(1) The trustee or debtor in possession in chapter 11 cases, debtors in business chapter 13 cases, and debtors in chapter 12 cases are required to cooperate with the United States trustee by furnishing all information the United States trustee requires to supervise the administration of the estate.

(2) All debtors in possession and trustees must use forms substantially complying with the forms for financial reporting established by the United States trustee, unless the United States trustee authorizes modifications in a particular case.

(b) Disposition of Original Reports.

(1) In chapter 11, 12 and 13 cases, where the financial report is filed electronically, the original (bearing the original signatures) must be hand delivered or placed in the mail to the U.S. trustee within one (1) business day of the date the report is filed electronically.

(2) In chapter 11, 12 and 13 cases, where the financial report is filed conventionally, the original (bearing the original signatures) will be transmitted by the clerk to the U.S. trustee after it is imaged (scanned) and docketed.

(c) **Public Review.** Copies of all financial reports filed are to be available for review during normal business hours by any interested party at the office of counsel for the debtor in possession (or the trustee, if one is appointed) and the principal place of business of the debtor (or the trustee, if one is appointed).

COMMENT: Subsection (b) is amended to provide that in all cases the original of a financial report is retained by the U.S. trustee.

Rule 2083-1 Scheduling Hearings in Chapter 13 Cases

The debtor should, to the extent practicable, move, notice and submit a calendar request for all hearings on objections to claims under Rule 3007, Federal Rules of Bankruptcy Procedure, valuation of security under Rule 3012, Federal Rules of Bankruptcy Procedure, and any other miscellaneous motions in conjunction with a chapter 13 case, so that the hearings on all motions are set for the same time, date and place.

COMMENT: Deleted the words “as the confirmation hearing” at the end of the section. With the adoption of the AK LBR 3015-2, confirmation hearings should be the exception not the rule. The amendment does preserve the intent to have all other matters related to the chapter 13 plan heard simultaneously.

Rule 3002-1 Claims

(a) **Place of Filing.** Proofs of claim or interest must be filed with the Clerk of the Bankruptcy Court, Suite 138, 605 West Fourth Avenue, Anchorage, Alaska 99501-2296 or at the Office of the Deputy Clerk of the United States District Court, 101 12th Avenue, Room 370, Box 1, Fairbanks, Alaska 99701.

(b) **Copies to be Filed.** *[Abrogated]*

(c) **Conformed Copies of Filed Claims.** *[Abrogated. See Official Form 10]*

(d) **Claims Arising from Rejection of Executory Contracts.**

(1) Claims arising from the rejection of executory contracts must be filed on or before the last date for filing proof of claims or thirty (30) days after entry of the order authorizing rejection, whichever date is later.

(2) Notice of the 30-day bar date must be provided by the debtor or the trustee, as appropriate, within five (5) days of the order rejecting the executory contract.

(e) **Claims in Chapter 7 Cases That Supersede Chapter 11 and Chapter 13 Cases.**

[Abrogated. See Rule 1019, Federal Rules of Bankruptcy Procedure.]

(f) **Service of Proofs of Claim on Debtors/Trustees.**

(1) In all cases, a creditor filing a proof of claim must serve a legible, complete copy of the claim, including a copy of all supporting documentation, on the debtor's attorney, or the debtor if appearing without counsel, and the trustee, if appointed.

(2) If the claim is a claim for wages, salary or other compensation, the creditor must include the creditor's full social security number on the copy served on the trustee, if one has been appointed.

(g) **Section 506(b) Claims in Chapter 13 Cases.**

(1) A secured creditor having a claim for post-petition fees, costs or charges under § 506(b) of the Code, which claim is to be paid by the trustee under the terms of the plan, must, not later than thirty (30) days after entry of the order confirming the plan:

[A] file with the court an application for allowance of the claim, setting forth the amount of the post-petition fees, costs and charges claimed to be due; and

[B] transmit the application to the United States trustee; and

[C] serve it on—

(i) the debtor,

(ii) trustee,

(iii) the five (5) largest unsecured creditors, and

(iv) any creditor having or claiming to have an interest in the property securing the claim.

(2) A party objecting to the application for allowance of post-petition fees, costs and charges may serve and file an objection within fifteen (15) days after service of the application.

(3) If no objection is filed as specified in paragraph (g) (2), the application for allowance of post-petition fees, costs or charges will be deemed approved or allowed without further order of the court.

COMMENT: Subsection (b) is abrogated. The additional copy was for the use of the trustee. Subsection (f) has been amended to include chapter 7 cases as well those under chapters 9, 11, 12 and 13 making subsection (b) superfluous.

Subsection (c) has been abrogated as being superfluous. The requirements for obtaining a conformed copy are spelled out in the OF 10 Form.

Subsection (f) has been further amended to provide that for wage claims the copy served on the trustee must include the full social security number of the claimant. OF 10, as amended effective December 1, 2003, provides for the SSN of wage claimants be truncated, including only the last 4 digits. § 346(f) requires the trustee to withhold and pay over to the governmental entity all payroll taxes. In order to carry out this obligation and file the necessary returns, the trustee must have the full social security number of the payee. While, the Committee Comment to the revised OF 10 suggests that the trustee may wait until the time for making distribution and request the information from the claimant, it is more efficient to have the claimant provide the information to the trustee at the time the claim is filed.

Rule 4008-1 Reaffirmation Hearing

(a) General

(1) A reaffirmation hearing will not be required in individual chapter 7 cases where the debtor(s) is(are) represented by counsel.

(2) [A] The court will enter a discharge as soon as appropriate without regard to whether reaffirmation agreements have been entered into in accordance with § 521(2) of the Code.

[B] It is the duty of counsel for the debtor, the debtor, and the creditor whose obligation is to be reaffirmed to assure compliance with the requirements of § 524(c) of the Code.

(b) Delay of Entry of Discharge.

(1) Entry of discharge may be delayed to accommodate entry into a reaffirmation agreement for a period not to exceed thirty (30) days upon *ex parte* motion filed by the debtor.

(2) On *ex parte* motion of the debtor within the 30-day period, the court may defer entry of discharge to a date certain.

(c) Service of Original or Conformed Copy.

(1) If a reaffirmation agreement is filed conventionally, the clerk will return the original agreement, once entered on the docket and imaged (scanned) by the clerk, to the party who filed the document.

(2) If a reaffirmation agreement is filed electronically, the party filing the agreement must serve a true and correct copy of the agreement, together with a copy of the Notice of Electronic Filing generated by the CM/ECF System for the agreement, upon the other party or the party's counsel.

Related Provisions:

11 U.S.C. § 521(5)	Duty of Debtor to Attend Reaffirmation Hearing
11 U.S.C. § 524(d)	Reaffirmation Hearing
FRBP 4004(c)	Grant of Discharge
FRBP 4008	Reaffirmation and Discharge Hearing
AK LBR 5005-2	Electronic Case Filing
AK LBR 9075-1	Hearings; Trials

COMMENT: Paragraph (c)(1) is amended to delete the requirement that an envelope be provided with a conventionally filed reaffirmation agreement.

Rule 5005-2 Electronic Case Filing

(a) Procedures.

(1) The filing of documents in electronic format will be in accordance with this rule and the electronic filing procedures promulgated by the Clerk of the Court.

(2) Participants in the Case Management/Electronic Case Filing (“CM/ECF”) System are responsible for ensuring that current filing procedures are followed.

(b) Registration.

(1) Password.

[A] (i) Each attorney admitted to practice under AK LBR 2090-1(a) or appearing under AK LBR 2090-1(b)(2), who files pleadings, documents, or papers in the court, must obtain a CM/ECF System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

(ii) Exceptions to the requirements of subparagraph (1)[A](I) will be granted only upon motion for good cause shown.

(iii) Attorneys in outlying areas of the state that do not have access to high speed (256 kbs, or higher) internet access may be exempted from the requirements of subparagraph (1)[A](I) until such time as high speed (256 kbs, or higher) internet access becomes available in the area in which the attorney practices. Any request for exception under this provision must be accompanied by an affidavit showing the availability and cost of internet access in the area.

[B] Every trustee appointed in cases before this court must obtain a CM/ECF System password to permit the trustee to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

[C] Attorneys admitted to practice under AK LBR 2090-1(b)(1) and any individual who is a creditor or interested party, or the duly authorized officer or agent of a creditor or interested party that is not an individual, may be entitled to one CM/ECF System password to permit the individual to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the CM/ECF System electronic filing procedures.

[D] (i) An individual may become registered to participate in the CM/ECF System upon completion of training and submission of a Certification for CM/ECF form to the court.

(ii) An individual who is the representative of a creditor or interested party that is not an individual must submit satisfactory evidence that the individual is duly authorized to act for and on behalf of the represented party.

(2) *Consent to Electronic Notice and Service.* Participation in the CM/ECF System by receipt of a password from the court, constitutes:

[A] a request for service of notice electronically under Rule 9036, Federal Rules of Bankruptcy Procedure; and

[B] consent to receive notice and service by electronic means in each case in which a formal entry of appearance as a party or attorney for a party has been made.

(3) Unauthorized Use of Passwords.

[A] No registered participant may knowingly permit or cause to permit the participant’s password to be utilized by anyone other than an authorized employee of the participant or the participant’s firm.

[B] No person may knowingly utilize or cause another person to utilize the password of a registered participant unless the person is an authorized employee of the participant or the participant's firm.

(4) Compromised Password.

[A] Each registered participant in the CM/ECF System is responsible for maintaining the integrity of the participant's password.

[B] In the event a registered participant has reason to believe that the password issued to the participant has been compromised or otherwise may be subject to use by an unauthorized person, the participant must immediately:

- (i) cancel the existing password and issue a new password; and
- (ii) notify the Clerk of the Court in writing of the change.

(5) Withdrawal.

[A] (i) A registered participant may withdraw from participation in the CM/ECF System by providing the Clerk of Court with written notice of withdrawal.

(ii) A registered participant who is the representative of a creditor or interested party that is not an individual must, immediately upon termination of the individual's authority to act for or on behalf of the represented party, withdraw from participation and notify the Clerk of the Court with written notice of the withdrawal.

[B] Upon receipt of a written notice of withdrawal, the Office of the Clerk will immediately cancel the participant's password and delete the participant from any applicable electronic service list.

(c) Signatures.

(1) *Registered Participant.* The electronic filing of a petition, pleading, motion or other paper by a registered participant in the CM/ECF System constitutes the signature of that participant under Rule 9011, Federal Rules of Bankruptcy Procedure.

(2) Debtors.

[A] For all petitions, lists, schedules and statements requiring the signature of the debtor(s) that are filed electronically, a Declaration Re: Electronic Filing, AK LBF 37A or 37B, as applicable, must be prepared by the participant, bearing the original signatures of the debtor(s) and the attorney for debtor(s).

[B] The declaration constitutes the debtor(s) original signatures for filing purposes.

[C] The original declaration must be:

- (i) signed before the petition is filed; and
- (ii) the original filed conventionally with the Bankruptcy Court within fifteen (15) days of the date the petition is electronically filed.

(4) Verified Documents.

[A] Verified documents (affidavits or declarations under penalty of perjury as provided in 28 U.S.C. § 1746) are to be filed electronically.

[B] Except for documents covered by paragraphs (c)(1) and (c)(2), the signature page of the verified document filed electronically must be an imaged (scanned) document bearing a digital copy of the original signature.

(4) *Other Documents.* For documents not otherwise governed by this subsection, unless the pleading or paper being electronically filed is an imaged (scanned) document bearing a digital copy of the original signature, it must indicate that it has been signed by means of a signature designation: e.g., "/s/ Jane Doe."

(d) Electronic Filing.

(1) Mandatory Electronic Filing.

[A] Except as expressly otherwise provided in this Rule or in exceptional circumstances that prevent a participant from filing electronically, all petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the court in connection with a case assigned to the CM/ECF System must be electronically filed by participants in the CM/ECF System.

[B] Parties and attorneys who are not participants in the CM/ECF System will continue to file all pleadings and papers conventionally.

(2) Related Documents. All documents must be filed separately, except that exhibits to a document must be filed as attachments to that document under the same docket number.

[A] Where documents related to a motion or other pleading are being filed concurrently with the motion or other pleading, *e.g.*, a motion, memorandum of law and a supporting affidavit, the related documents must be filed separately and shown as being a document related to the motion or other pleading.

[B] If documents being submitted electronically have lengthy exhibits, the filing of relevant excerpts of the exhibits is preferred and permitted without prejudice to the right of any party to file additional excerpts or the complete exhibit with the court at any time.

(3) Emergency Motions.

[A] Emergency motions, supporting pleadings and objections are to be filed electronically as provided in this rule.

[B] The party filing the motion must promptly advise the judge's law clerk or secretary of the filing telephonically.

(4) Proposed Orders, Findings and Judgments.

[A] Unless otherwise ordered by the court, participants in the CM/ECF System must submit all proposed orders, findings of fact and conclusions of law and judgments electronically, in accordance with the CM/ECF Administrative Procedures Guide.

[B] A participant who submits orders, findings of fact and conclusions of law, and judgments electronically may reduce the number of first class postage stamped envelopes required to be submitted to the court under AK LBR 9021-1(c)(1)[B] for any party entitled to service of the document who is also a participant in the CM/ECF System in the case for which the document is being submitted.

(5) Calendar Requests.

[A] Unless otherwise ordered by the court, participants in the CM/ECF System must submit all Bankruptcy Court Calendar Requests, AK LBR 7, electronically, in accordance with the CM/ECF Administrative Procedures Guide.

[B] A participant who submits a calendar request electronically is not required to submit self addressed, stamped envelopes to the court as required by AK LBR 9075-1(c)(1).

(e) Service.

(1) The filing party must serve the pleading or other paper being electronically filed upon all persons entitled to notice or service in accordance with otherwise applicable rules.

(2) If a person entitled to notice or service is a registered participant in the CM/ECF System in the case in which the pleading or other paper is being filed, service by electronic means of the Notice of Electronic Filing is deemed the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

(3) Notwithstanding the foregoing, service of a summons and complaint in an adversary proceeding or an involuntary bankruptcy proceeding and a motion under Rule 9014 must continue to be made under Rule 7004, Federal Rules of Bankruptcy Procedure.

(f) Docketing.

(1) *Entry on Docket.* The electronic filing of a pleading or other paper in accordance with CM/ECF System Procedures constitutes entry of that pleading or other paper on the docket kept by the clerk under Rule 5003, Federal Rule of Bankruptcy Procedure.

(2) *Notice to Filing Party.* Whenever a pleading or other paper is filed electronically in accordance with CM/ECF System Procedures, the System will automatically generate a "Notice of Electronic Filing" by electronic means at the time of docketing.

(3) *Entry of Orders and Judgments.*

[A] The Office of the Clerk will enter all orders, decrees, judgments, and proceedings of the court in accordance with CM/ECF System Procedures, which constitutes entry of the order, decree, judgment, or proceeding on the docket kept by the clerk under Rule 9021, Federal Rules of Bankruptcy Procedure.

[B] On all orders submitted electronically, the Office of the Clerk will place the notation "**FILED ON**_____" on the first page of the order, and will insert the date that the order is entered on the docket. The date so inserted will be the equivalent of the conventional "date filed" stamp for all purposes.

(4) *Titles.* The person electronically filing a pleading or other document is responsible for designating a title for the document by using one of the categories contained in the CM/ECF System.

(g) Documents not to be Filed Electronically. The following documents are to be filed conventionally and not electronically unless specifically authorized by the court:

(1) *Documents to be Filed under Seal.*

[A] A motion to file document(s) under seal is to be filed electronically; however, the actual document(s) to be filed under seal must be filed conventionally.

[B] A paper copy of the motion to file document(s) under seal or, if the motion has been granted, a paper copy of the order authorizing the document(s) to be filed under seal, must be attached to the document(s) to be filed under seal at the time the documents are delivered to the Office of the Clerk.

(2) *Exhibits to Pleadings.*

[A] Wherever possible, documents being filed as exhibits, including but not limited to leases, notes, and the like, should be electronically imaged (*i.e.*, "scanned") and filed as part of the document referring to the exhibit using Portable Document Format (pdf).

[B] Exhibits that are not available in electronic form are to be filed conventionally, attached to a copy of the Notice of Electronic Filing for the electronically filed document to which the exhibit(s) relate.

(3) *Proofs of Claim.* [Abrogated]

(4) *Summons to be Issued by the Clerk.* All summons to be issued by the Clerk are to be filed conventionally.

(5) *Trial and Hearing Exhibits.*

[A] Exhibit lists, to the extent that the filing thereof is otherwise required by applicable rules of bankruptcy procedure, are to be filed electronically.

[B] The actual exhibits are to be submitted conventionally as provided by otherwise applicable rules of bankruptcy procedure.

(6) *Transcripts.*

[A] Whenever possible, transcripts, or the relevant portions thereof, should be electronically imaged (*i.e.*, “scanned”) and filed as part of the document referring to the transcript using Portable Document Format (pdf).

[B] Transcripts that are not available in electronic form are to be filed conventionally, attached to a copy of the Notice of Electronic Filing for the electronically filed document to which the transcript(s) relate.

(7) *Report of Balloting.* [Abrogated]

(8) *Statement of Social Security Number.* The Statement of Social Security Number submitted in accordance with Rule 1007(f), Federal Rules of Bankruptcy Procedure, is to be submitted in accordance with the CM/ECF Administrative Procedures Guide.

(9) *Service of Conventionally Filed Documents.* Pleadings or other documents filed conventionally under this subsection must be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules except as otherwise provided by order of the court.

(h) **Fees.**

(1) Any required fee may be paid by authorized credit card as provided in the CM/ECF Administrative Procedures Guide

(2) Unless other arrangements are made with the Clerk of Court, any required fee for a document filed electronically not paid as provided in paragraph (1) must be mailed to the Clerk of the Court not later than the next business day or hand delivered to the Clerk of the Court not later than the second business day next immediately following the filing.

(i) **Copies and Certified Copies.** Conventional copies and certified copies of electronically filed documents may be obtained at the Office of the Clerk, 605 West Fourth Avenue, Room 138, Anchorage, Alaska 99501-2296. A fee for copying and certification will be charged and collected in accordance with 28 U.S.C. § 1930.

(j) **Technical Failures.**

(1) If a participant in the CM/ECF System is unable to transmit a time-critical document for electronic filing, due to technical failure of either the CM/ECF System or the participant’s system, or due to internet congestion or internet service provider problems, the participant must promptly contact the Clerk of the Court and make arrangements for conventional filing of the document.

(2) Unless exceptional circumstances exist that prevent the document from being transmitted during regular business hours, as defined in AK LBR 5003-1(d), the participant must make every effort to transmit any time-critical document during regular business hours on the date the document is due.

(k) **Consequences for Noncompliance.**

(1) *Effect of Failure to Make Payment.*

[A] In the event of nonpayment of the fee for filing a petition, the petition may be dismissed by the court after a hearing on shortened time of not less than five (5) days notice.

[B] In all other matters, if the required fee is not paid as provided in subsection (h), the motion or application for which the fee is required will be deemed withdrawn by the party making the motion or application and, except as may be otherwise ordered by the court for cause, no further proceedings on the motion or application will take place.

(i) Notice of the deemed withdrawal will be given electronically by the Clerk of the Court to all interested parties in the case who have requested notice by electronic means.

(ii) The party who filed the motion or application must, no later than two (2) business days thereafter, give notice of the deemed withdrawal to all parties in interest to whom notice of the motion or application was given.

(2) *Effect of Failure to File Declaration Re: Electronic Filing.* In the event that a participant fails to timely file the Declaration Re: Electronic Filing, AK LBF 37, as provided in paragraph (c)(2), the petition may be dismissed by the court after a hearing on shortened time of not less than five (5) days notice.

(3) *Other Consequences.* In addition to the foregoing, any misuse of the CM/ECF System, or intentional noncompliance with its requirements, may result in revocation of the participant's login and password privileges and/or the imposition of sanctions as provided in District of Alaska Local Rule 1.3.

Related Provisions:

FRBP 1007	Lists, Schedules, and Statements; Time Limits
FRBP 5005	Filing and Transmittal of Papers
FRBP 7005	Service and Filing of Pleadings and Other Papers
AK LBR 1002-1	Petitions
AK LBR 1005-1	Caption of Petitions
AK LBR 1007-1	Matrix
AK LBR 1007-2	Form of Schedules and Statements
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 2002-1	Notices
AK LBR 3002-1	Claims
AK LBR 7005-1	Electronic Service
AK LBR 9004-1	Form of Pleadings and Other Papers
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9021-1	Orders, Findings, Conclusions, Judgments
AK LBR 9036-1	Request for Notice by Electronic Transmission
AK LBR 9070-1	Number of Copies
AK LBF 37A	Declaration re: Electronic Filing [Individual]
AK LBF 37B	Declaration re: Electronic Filing [Corporation/Partnership/LLC]

COMMENT: Paragraph (b)(1) is revised to encompass participants in the system other than attorneys and trustees, *e.g.*, creditors or professionals other than attorneys employed by a trustee. Participation in the CM/ECF system is mandatory for attorneys admitted to practice in the district, including attorneys representing the United States or its agencies, and case trustees. Attorneys admitted *pro hac vice* and other individuals who file documents and papers in the court may, but are not required to, obtain a password and participate in the CM/ECF system. Individuals, other than attorneys, who represent interested parties that are not individuals must submit evidence that they are authorized to represent the party, *e.g.*, a statement similar to that used by banks to establish banking authority. Conforming amendments to paragraphs (b)(2) – (b)(4) have been made.

Paragraph (b)(5) requires a participant that is no longer authorized to represent a party to immediately notify the court of that fact. Upon receipt of that notification, that participant's user name and password are cancelled.

Paragraph (c)(1) is amended to encompass all registered participants, not just attorneys. Participants should be aware that the electronic filing of a document constitutes that participant's signature under Rule 9011, Federal Rules of Bankruptcy Procedure.

Paragraph (c)(3) has been renumbered as paragraph (c)(4).

Paragraph (c)(4) has been renumbered as paragraph (c)(3). It has been amended to eliminate the requirement that the originals of verified documents be filed with the Clerk of the Court.

Subsection (h) is amended to provide for payment by credit card.

Paragraph (g)(3) is abrogated. Proofs of claim may be filed electronically. [But see LBR 3002-1 concerning the necessity for serving a complete paper copy of an electronically filed claim on the debtor or debtor's attorney, and trustee, if one has been appointed.]

Paragraph (g)(7) is abrogated. Certificates of balloting in chapter 11 cases may be filed electronically.

Paragraph (g)(8) is amended to provide that the OF 21, although not filed electronically, is to be filed in accordance with the Administrative Procedures Guide.

Subsection (h) is amended to provide for payment by credit card.

Rule 9070-1 Number of Copies

(a) Petitions, Schedules and Statements.

(1) In chapter 7, 12 and 13 cases, one (1) paper copy of each original petition, schedule, statement of financial affairs, and any amendments, supplements or addendum thereto, whether such original is filed conventionally or electronically, must be submitted to the clerk.

(2) [A] In chapter 9 and 11 cases, each original petition, schedule, statement of financial affairs, and any amendments, supplements or addendum thereto, whether filed conventionally or electronically, must be accompanied by two (2) paper copies.

[B] In chapter 11 cases, if the debtor is a publicly traded entity, each petition, schedule, statement of financial affairs and any amendments, supplements or addendums thereto, whether filed conventionally or electronically, must be accompanied by one more paper copy in addition to the copies required under subparagraph (2)[A].

(3) If the original documents are filed conventionally, the paper copy or copies required by paragraphs (1) and (2) must accompany the originals.

(4) If the original documents are filed electronically, the paper copy or copies must be hand delivered or placed in the mail to the clerk within one (1) business day of the date the originals are filed.

(b) Chapter 9, 11, 12 and 13 Plans. In addition to the original, each plan in cases under chapters 9, 11, 12 and 13 and the chapter 11 disclosure statement and any amendments, supplements or addendum thereto, must be accompanied by the same number of copies as is provided in subdivision (a) for petitions, schedules, and statements of affairs for the applicable chapter.

(c) Lengthy Pleadings.

(1) Any pleading, motion, paper or other document filed with the court, conventionally or electronically, that exceeds twenty-five (25) pages in length, including all attachments and exhibits thereto, must be accompanied by one (1) paper copy for use by the court.

(2) Copies must be complete, including any attachments or exhibits made a part of the original pleading, motion, paper or document being filed.

(3) The paper copy must be submitted to the court as provided in paragraph (a)(3).

COMMENT: Paragraph (2) is amended to require two copies in all chapter 9 and 11 cases, and three copies in chapter 11 cases where the debtor is a publicly traded entity. The third copy for publicly traded entities is for the Securities Exchange Commission.

Name of Attorney)
(Name of Firm)
(Address)
(Telephone)
(Telefax)
(Attorney for _____)

AK LBF 37A

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA**

In re:

Debtors.

Case No.

Chapter

**DECLARATION RE: ELECTRONIC FILING OF
PETITION, SCHEDULES AND STATEMENTS
AND PLAN IF CHAPTER 12 OR 13 CASE
[INDIVIDUALS]**

PART I - DECLARATION OF PETITIONER(S)

I[We] _____ and _____, the undersigned debtor(s), ***hereby declare under penalty of perjury*** that the information given or to be given my [our] attorney and the information provided in the electronically filed petition, statements, schedules, matrix, and in my [our] chapter 12 or 13 plan (if this is a case under such chapter) and any amendments thereto, is or will be true and correct. I [We] consent to my [our] attorney sending my [our] petition, statements and schedules (and plan, if applicable) and any amendments thereto, to the United States Bankruptcy Court electronically. I [We] understand that this Declaration re: Electronic Filing is to be filed with the Clerk not later than 15 days following the date the petition is electronically filed. I [We] understand that failure to file the signed original of this Declaration will result in the dismissal of my [our] case after a hearing on shortened time of no less than five days notice.

☐ If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7: I am [We are] aware that I [we] may proceed under chapter 7, 11, 12 or 13 of 11 United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I [We] request relief in accordance with the chapter specified in this petition.

Dated: _____

Signed: _____
(Applicant) (Joint Applicant)

PART II - DECLARATION OF ATTORNEY

I ***declare under penalty of perjury*** that the debtor(s) signed this form before I electronically submitted the petition, schedules, and statements (and chapter 12 or 13 plan, if applicable). Before filing, I will give the debtor(s) a copy of all documents to be filed with the United States Bankruptcy Court, and have followed all other requirements in the most recent ECF System Procedures. I further declare that I have examined or will examine the debtor's petition, schedules, and statements and any amendments thereto, and, to the best of my knowledge and belief, they are or will be true, correct, and complete. I further declare that I have informed the petitioner(s) that [he or she or they] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based on all information of which I have knowledge.

Dated: _____

Attorney for Debtor(s)

Name of Attorney)
(Name of Firm)
(Address)
(Telephone)
(Telefax)
(Attorney for _____)

AK LBF 37B

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA**

In re:

Debtors.

Case No.
Chapter

**DECLARATION RE: ELECTRONIC FILING OF
PETITION, SCHEDULES AND STATEMENTS
[CORPORATION/PARTNERSHIP/LLC]**

PART I - DECLARATION OF PETITIONER

I _____ the _____ of the petitioner herein, *hereby declare under penalty of perjury* that the information given or to be given its attorney and the information provided in the electronically filed petition, statements, and schedules, and any amendments thereto, is or will be true and correct. Petitioner consents to its attorney sending its petition, statements and schedules to the United States Bankruptcy Court electronically. I understand that this Declaration re: Electronic Filing is to be filed with the Clerk not later than 15 days following the date the petition was electronically filed. I understand that failure to file the signed original of this Declaration will result in the dismissal of the case after a hearing on shortened time of no less than five days notice.

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

Dated: _____

Signed: _____
(Debtor's Authorized Representative)

PART II - DECLARATION OF ATTORNEY

I *declare under penalty of perjury* that the debtor's authorized representative signed this form before I electronically submitted the petition, schedules, and statements. Before filing, I will give the debtor a copy of all forms and information to be filed with the United States Bankruptcy Court, and have followed all other requirements in the most recent ECF System Procedures. I further declare that I have examined or will examine the above debtor's petition, schedules, and statements and any amendments thereto, and, to the best of my knowledge and belief, they are or will be true, correct, and complete. This declaration is based on all information of which I have knowledge.

Dated: _____

Attorney for Debtor

COMMENT: Rather than have “one-size-fits-all,” LBF 37 was divided into two different forms for individuals and non-individual entities. The form was also amended to make clear that the form applied not only to the original documents filed with the court but also to amendments to those documents. Further, language was added similar to the language contained in the oath given prior to court testimony that not only are the statements that have been made were true but that the statements made in the future would also be true. This language is believed necessary to eliminate any doubt that the declaration, being made under penalty of perjury, applies with equal force to future statements and included in documents filed in the proceedings.